

Message

From: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Sent: 7/27/2018 2:47:39 PM
To: Carson, Davida [David.a.Carson@usdoj.gov]; Schroer, Lee [schroer.lee@epa.gov]; Maher, Lauren [Maher.Lauren@epa.gov]; Siegal, Tod [Siegal.Tod@epa.gov]; Williamson, Timothy [Williamson.Tim@epa.gov]; Williams, Ann [Williams.Ann@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: Maine v. EPA

Adding david f.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Carson, David A (ENRD) [mailto:David.A.Carson@usdoj.gov]
Sent: Friday, July 27, 2018 10:35 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Maher, Lauren <Maher.Lauren@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>
Subject: FW: Maine v. EPA

Here is Kaighn's response.

Deliberative / Atty Client / Atty WP / Ex 5

Dave

From: Kaighn Smith, Jr. <KSmith@dwmlaw.com>
Sent: Thursday, July 26, 2018 8:46 PM
To: Carson, David A (ENRD) <DCarson@ENRD.USDOJ.GOV>; Boak, Scott <Scott.Boak@maine.gov>; Jane Steadman <jsteadman@kanjikatz.com>; David M. Kallin <DKallin@dwmlaw.com>
Cc: Osborn, John (USAME) 1 <John.Osborn2@usdoj.gov>
Subject: RE: Maine v. EPA

Dave: Sorry for the late response. The Penobscot Nation opposes this motion. Please indicate that in anything you file. The Nation would expect the EPA, as the federal trustee here, to carefully spell out to the Court why it has so suddenly changed its position and decided to reconsider. Thanks much.

--Kaighn

Kaighn Smith, Jr.
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From: Carson, David A (ENRD) <David.A.Carson@usdoj.gov>
Sent: Thursday, July 26, 2018 5:18 PM
To: Boak, Scott <Scott.Boak@maine.gov>; Jane Steadman <jsteadman@kanjikatzen.com>; Kaighn Smith, Jr. <KSmith@dwmlaw.com>; David M. Kallin <DKallin@dwmlaw.com>
Cc: Osborn, John (USAME) 1 <John.Osborn2@usdoj.gov>
Subject: Maine v. EPA

Dear counsel: Maine and EPA were not able to reach a negotiated resolution in the water quality standards case. EPA intends to file a motion seeking a voluntary remand of its February 2015 decisions. EPA intends to revise the decisions. We intend to file a motion for voluntary remand tomorrow. We intend to ask the court to stay the case pending its decision on our motion for voluntary remand. The motion is still in the works and I do not anticipate having a draft to share with you before we file. I am asking for your clients' respective positions on the relief we intend to request in the motion, but I understand that it would be completely reasonable for you to want to see the motion before deciding what position to take. So, please let me know if you are able to state a position before we file.

Thank you,

Dave

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